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Draft Model Law on Electronic Signatures

Compilation of Comments by Governments and International Organizations

Addendum

Introduction

1. In preparation for the thirty-fourth session of the Commission, the text of the draft Model Law on Electronic Signatures as approved by the Working Group on Electronic Commerce at its 35th session was circulated to all governments and to interested international organizations for comment. On 15 June 2001 the Secretariat received a note by the United Kingdom of Great Britain and Northern Ireland. That note is reproduced below in the form in which it was communicated to the Secretariat.

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The United Kingdom does not wish to see the text of the Articles reopened for widespread discussion at the forthcoming plenary session of UNCITRAL. However, a suggestion is made for a slight amendment to the text which, it is hoped, will clarify a matter related to one of the purposes of a Certificate.

At the last meeting of the Working Group on Electronic Signatures it was agreed to improve the text of the Guide to Enactment so as to clarify that, when there is a dual-key "Digital Signature" and a related Certificate, an important purpose of a Certificate is to certify that it is the "public key" which belongs to the signatory. This is now reflected in the draft Guide at paragraph 97 (Annex to A/CN.9/493).

In order to ensure that the Model Law also clearly shows this, and that it and the Guide are in alignment, two minor drafting changes to Articles 2 and 9 are suggested.

a) In the Definitions Article 2(b) should now read:

Article 2(b)

"Certificate" means a data message or other record confirming:

(i) in a case where a private and a public cryptographic key are used respectively to create and verify an electronic signature, the link between the signatory and the public cryptographic key; and

(ii) in any case, the link between the signatory and the signature creation data.

b) In Article 9(1)(c) a new sub-paragraph (iv) be inserted after (iii) to read:

Article 9(1)(c)

(iii) .....; and

(iv) in any case falling within Article 2(b)(i), that the public cryptographic key is that of the signatory identified in the certificate;.